

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No. 4:15-CV-00063-D**

AERIAL DEVELOPMENT GROUP, LLC,
AERIAL AND ABOVE, LLC and AERIAL
INVESTMENT PROPERTIES, LLC,

Plaintiff/Counter-Defendants,

v.

CAROLINA PRIVATE FINANCIAL
CORPORATION d/b/a THE FINANCIAL
COPILOT and HUGH O. STEWART,

Defendants/Counter-Plaintiffs,

CAROLINA PRIVATE FINANCIAL
CORPORATION, HUGH O. STEWART, AND
SKYLAND BUSINESS SYSTEMS, INC.,

Third-Party Plaintiffs,

v.

BRITNIE TURNER, AERIAL BUILDERS,
LLC, SKYVIEW GROUP, INC., AND ABOVE
HOMES, LLC,

Third-Party Defendants.

**JOINT MOTION TO MODIFY
DISCOVERY ORDER**

NOW COME JOINTLY Plaintiffs/Counter-Defendants and Third-Party Defendants and Defendants/Counter-Plaintiffs and Third-Party Plaintiffs, by and through their respective counsel, and respectfully request the Court to enter an order to extend discovery and the time to file dispositive motions, and state as follows:

1. On April 19, 2017, this Court entered an Order (D.E. 63) granting the parties' Joint Motion to Extend Discovery.
2. Therein, all counsel inadvertently modified the dispositive motion deadline to be June 15, rather than July 15. As such, the deadline for dispositive motions is now premature as being prior to the close of discovery (currently June 28, 2017).

3. The parties need more time to review the documents exchanged, to continue document exchange, to schedule depositions, and to prepare and file dispositive motions once discovery is completed.

4. After consultation between the attorneys for Plaintiffs/Counter-Defendants and Third-Party Defendants and Defendants/Counter-Plaintiffs and Third-Party Plaintiffs, all parties have agreed that the deadlines in the current scheduling order should be revised to provide for a dispositive motions deadline that occurs after the discovery deadline, and which also takes into account the parties' ongoing and final exchanges of discovery.

For the reasons stated above, the parties jointly move the Court for the following relief:

1. That the Joint Motion to Modify Discovery Order (D.E. 63) be granted;
2. That an Order be entered setting the discovery deadline in this matter to September 29, 2017, and setting the dispositive motions deadline in this matter to October 16, 2017; and
3. For such other relief as the Court may deem necessary.

[Signatures on Following Page]

This the 14th day of June, 2017.

By: /s/ Jeffrey A. Doyle
Jeffrey A. Doyle
James R. Baker
Hedrick Gardner Kincheloe & Garofalo, LLP
4131 Parklake Avenue, Suite 300
Raleigh, NC 27612
Phone: (919) 832-9424
Fax: (919) 832-9425
Email: jdoyle@hedrickgardner.com;
jbaker@hedrickgardner.com
State Bar No. 19916
*Attorneys for Defendants/Counter-Plaintiffs and
Third-Party Plaintiffs*

By: /s/ John R. Clemons
John R. Clemons (TN State Bar No. 25907)
James M. Clemons (TN State Bar No. 24362)
Clemons & Clemons, PLLC
2212 8th Ave. South
Nashville, TN 37204
Telephone: (615) 823-1201
Facsimile: (615) 823-1194
Email: johnray@clemlawfirm.com;
michael@clemlawfirm.com
*Attorneys for Counter-Plaintiffs and
Third-Party Plaintiffs*

By: /s/ Erik M. Rosenwood
HAMILTON STEPHENS
STEELE + MARTIN, PLLC
201 South College Street, Suite 2020
Charlotte, North Carolina 28244-2020
Telephone: (704)344-1117
Fax: (704) 344-1483
Email: erosenwood@lawhssm.com;
malay@lawhssm.com
Erik Rosenwood (NC Bar # 28049)
M. Aaron Lay (NC Bar # 38797)
*Attorneys for Plaintiffs/Counter-Defendants
and Third-Party Defendants*

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Jeffrey A. Doyle James R. Baker Hedrick Gardner Kincheloe & Garofalo, LLP 4131 Parklake Avenue, Suite 300 Raleigh, NC 27612 Phone: (919) 832-9424 Fax: (919) 832-9425 Email: jdoyle@hedrickgardner.com ; jbaker@hedrickgardner.com State Bar No. 19916 <i>Attorneys for Defendants/Counter-Plaintiffs and Third-Party Plaintiffs</i>	John R. Clemons (TN State Bar No. 25907) James M. Clemons (TN State Bar No. 24362) Clemons & Clemons, PLLC 2212 8 th Ave. South Nashville, TN 37204 Telephone: (615) 823-1201 Facsimile: (615) 823-1194 Email: johnray@clemlawfirm.com ; michael@clemlawfirm.com <i>Attorneys for Counter-Plaintiffs and Third-Party Plaintiffs</i>
--	---

Respectfully submitted this 14th day of June, 2017,

/s/ Erik M. Rosenwood _____
Erik M. Rosenwood

HAMILTON STEPHENS
STEELE + MARTIN, PLLC
201 South College Street, Suite 2020
Charlotte, North Carolina 28244-2020
Telephone: (704)344-1117
Fax: (704) 344-1483
Email: erosenwood@lawhssm.com; malay@lawhssm.com
Erik Rosenwood (NC Bar # 28049)
M. Aaron Lay (NC Bar # 38797)
*Attorneys for Plaintiffs/Counter-Defendants
and Third-Party Defendants*